

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

| | | |
|-------------------------|---|--------------|
| IN RE: | : | NO. 23-00289 |
| | : | |
| REGINALD RINALDO TALTON | : | |
| | : | |
| Debtor | : | CHAPTER 13 |

**OBJECTION TO CHAPTER 13 PLAN CONFIRMATION BY
SECURED CREDITOR MIDDLE SMITHFIELD TOWNSHIP**

1. Debtor is Reginald Rinaldo Talton.
2. Debtor owns real property located at 130 Pebble Beach Court, East Stroudsburg, Middle Smithfield Township, Monroe County, Pennsylvania, otherwise identified as Tax Parcel No. 09.96873 (“Property”).
3. Middle Smithfield Township (the “Township”) provides sewer services to the Property.
4. On or about September 20, 2021, the Township filed a Municipal Lien Claim against the Property for Sewer services and related fees for the time period beginning January 1, 2017 through September 13, 2021 in the amount of \$5,455.20. Said Municipal Lien Claim is filed in Monroe County Court of Common Pleas at docket number 5269-CV-2021, which is attached hereto and made a part hereof as Exhibit “A.”
5. On or about February 28, 2023, the Township filed a Municipal Lien Claim against the Property for Sewer services and related fees for the time period beginning September 14, 2021 through January 31, 2023 in the amount of \$1,921.27.¹ Said Municipal Lien Claim is filed in Monroe County Court of Common Pleas at docket number 1371-CV-2023, which is attached hereto and made a part hereof as Exhibit “B.”

¹ The 2023 Municipal Lien Claim states that the charges are through 2/17/23; however as evidenced by the statement of account attached to the lien, the amounts included in the lien only include through 1/31/23.

6. Contemporaneously with the filing of this Objection, the Township is filing a Proof of Claim, listing the amount of the claim as \$7,451.72.

7. Debtor's Chapter 13 Plan cannot be confirmed as the Township's claim is secured in the amount of \$2,320.20, and Debtor's Plan fails to pay the outstanding sum due and owing on the liens, which is substantially less than the value of the Property.

8. Debtor's proposed Chapter 13 Plan does not appear to address payment of the Debtor's arrearages with the Township.

9. Further, Debtor has failed to pay post-petition charges for sewer service in the amount of at least \$175.00 and has not made arrangements with the Township in regard to payment of sewer service post-petition.

10. The Debtor's proposed plan does not adequately address how the Debtor intends to cure past delinquencies or how Debtor will pay for subsequent sewer charges.

11. The Debtor's Chapter 13 Plan is unjust and unfeasible.

WHEREFORE, Middle Smithfield Township respectfully requests that this Honorable Court deny confirmation of Debtor's Chapter 13 Plan for failure to comply with the requirements of the Bankruptcy law or to require an amendment to Debtor's Chapter 13 Plan providing for payment consistent with the facts set forth herein above.

Respectfully Submitted,
GRIM, BIEHN & THATCHER

By: /s/ Kelly L. Eberle
Kelly L. Eberle
Attorney for Middle Smithfield Township

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : NO. 23-00289
:
REGINALD RINALDO TALTON :
:
Debtor : CHAPTER 13

CERTIFICATE OF SERVICE

I, KELLY L. EBERLE, attorney for Middle Smithfield Township, do hereby certify that a true and correct copy of the Objection of Secured Creditor Middle Smithfield Township to Plan Confirmation has been served this 10th day of May 2023, by first class mail, postage pre-paid, upon those listed below:

J. Zac Christman, Esquire
556 Main Street , Suite 12
Stroudsburg, PA 18360
Attorney for Debtor

Jack Zaharopoulos
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Trustee

Reginald Rinaldo Talton
130 Pebble Beach Drive
East Stroudsburg, PA 18302
Debtor

* Interested Parties (if any)

GRIM, BIEHN & THATCHER

Dated: May 10, 2023

By: /s/ Kelly L. Eberle
Kelly L. Eberle
Attorney for Middle Smithfield Township

EXHIBIT “A”

MIDDLE SMITHFIELD TOWNSHIP

Claimant,

v.

REGINALD TALON

Defendant,

:
:
: IN THE COURT OF COMMON PLEAS
: MONROE COUNTY, PENNSYLVANIA
:
: No. 5269 - CIVIL-20 21
:
: AMOUNT OF CLAIM: \$5,455.20

MUNICIPAL CLAIM FOR SEWER RENTALS AND CHARGES

1. The name of Claimant is Middle Smithfield Township, a township of the Second Class of the Commonwealth of Pennsylvania, located in the County of Monroe and having an address of 147 Municipal Drive, East Stroudsburg, Pennsylvania 18302.

2. The name and last known address of the owner of the property against which this claim is filed is Reginald Talon, 130 Pebble Beach CT, East Stroudsburg, PA 18302.

3. The property against which this claim is filed is described as follows:
ALL THAT CERTAIN lot or piece of ground SITUATE in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania, more fully described in a deed dated 05/19/2015, and recorded in Monroe County in Record Book 2453, Page 8732.

BEING Monroe County Tax Parcel No. 09.96873.

4. The charges for which this claim is filed and levied arise pursuant to Section 1 of the Act of July 18, 1935, P.L. 1286 (the "Sewer Rental Act"), as amended, 53 P.S. §2331, as well as the Act of May 1, 1933, P.L. 103 (the "Second Class Township Code"), as amended, 53 P.S. §67511, together with such other amendments, supplements and all other Acts relating to sewer rentals or charges and the pertinent resolutions and/or ordinances of the Township of Middle Smithfield levying such rentals or charges.

5. This claim is filed pursuant to the Municipal Claims and Tax Liens Law, 53 P.S. § 7101, *et seq.*

6. This claim is filed for the use of sanitary sewer service to the above-described property, surcharges, and/or late fees from 01/01/2017 to and including 09/13/2021.

7. The amount of this claim is summarized as follows:

| | |
|-----------------------|-----------------|
| Amount Owed: | \$ 4,550.00 |
| Late Fee/Collections: | \$ 425.00 |
| Interest: | \$ 480.20 |
| Lien Recording Fee: | \$ <u>75.25</u> |
| Total Amount Owed: | \$ 5,530.45 |

8. A true and correct copy of Middle Smithfield Township's detailed financial transaction summary, justifying the \$5,530.45 total amount owed (through 09/14/2021) is attached hereto as Exhibit "A".

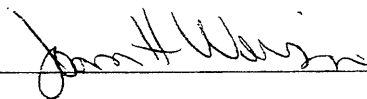
9. The Prothonotary of Monroe County is requested to enter the above claim in the proper and appropriate docket and upon the judgment and locality indices.

MIDDLE SMITHFIELD TOWNSHIP

Dated: _____

9/15/2021

By: _____



Joan H. Woisin – Sewer Coordinator
Middle Smithfield Township

Customer Statement

A005
09/16/2021

Middle Smithfield Township Sewer Department
147 Municipal Dr
East Stroudsburg, PA 18302
570-223-8920, Ext. 115

Account B03-1012-0
Name REGINALD R. TALTON
Address 130 PEBBLE BEACH COURT E. STROUDSBURG, PA 18302

For 01/01/2017 to 09/16/2021

| Date | Transaction # | Bill # | Usage | Transaction Amount | Running Balance |
|------------|---------------|--------|-------|--------------------|-----------------|
| 01/05/2017 | 7877 | 4210 | 0 | 175.00 | 1,535.73 |
| 03/09/2017 | 47705 | | | 25.00 | 1,579.14 |
| 03/09/2017 | 32114 | | | 18.41 | 1,579.14 |
| 04/03/2017 | 18006 | 14339 | 0 | 175.00 | 1,754.14 |
| 06/06/2017 | 53335 | | | 25.00 | 1,800.18 |
| 06/06/2017 | 33878 | | | 21.04 | 1,800.18 |
| 07/01/2017 | 19718 | 16051 | 0 | 175.00 | 1,975.18 |
| 09/13/2017 | 57496 | | | 25.00 | 2,023.85 |
| 09/13/2017 | 34466 | | | 23.67 | 2,023.85 |
| 10/02/2017 | 12953 | 9286 | 0 | 175.00 | 2,198.85 |
| 12/05/2017 | 29167 | | | 26.30 | 2,250.15 |
| 12/05/2017 | 42277 | | | 25.00 | 2,250.15 |
| 01/01/2018 | 4486 | 819 | 0 | 175.00 | 2,425.15 |
| 03/13/2018 | 46205 | | | 25.00 | 2,479.08 |
| 03/13/2018 | 30957 | | | 28.93 | 2,479.08 |
| 04/01/2018 | 14667 | 11000 | 0 | 175.00 | 2,654.08 |
| 06/05/2018 | 33235 | | | 31.56 | 2,710.64 |
| 06/05/2018 | 52695 | | | 25.00 | 2,710.64 |
| 07/02/2018 | 23054 | 19387 | 0 | 175.00 | 2,885.64 |
| 09/06/2018 | 35082 | | | 34.19 | 2,944.83 |
| 09/06/2018 | 58396 | | | 25.00 | 2,944.83 |
| 10/01/2018 | 9611 | 5944 | 0 | 175.00 | 3,119.83 |
| 12/05/2018 | 29780 | | | 36.82 | 3,181.65 |
| 12/05/2018 | 42878 | | | 25.00 | 3,181.65 |
| 01/03/2019 | 6229 | 2562 | 0 | 175.00 | 3,356.65 |
| 03/06/2019 | 31557 | | | 39.45 | 3,421.10 |
| 03/06/2019 | 47096 | | | 25.00 | 3,421.10 |
| 04/01/2019 | 16384 | 12717 | 0 | 175.00 | 3,596.10 |
| 06/04/2019 | 52138 | | | 25.00 | 3,663.18 |
| 06/04/2019 | 32701 | | | 42.08 | 3,663.18 |
| 07/01/2019 | 21431 | 17764 | 0 | 175.00 | 3,838.18 |
| 09/06/2019 | 59057 | | | 25.00 | 3,907.89 |
| 09/06/2019 | 35758 | | | 44.71 | 3,907.89 |
| 10/01/2019 | 11329 | 7662 | 0 | 175.00 | 4,082.89 |
| 12/05/2019 | 30387 | | | 47.34 | 4,155.23 |
| 12/05/2019 | 43454 | | | 25.00 | 4,155.23 |
| 01/03/2020 | 24781 | 21114 | 0 | 175.00 | 4,330.23 |
| 03/05/2020 | 60924 | | | 25.00 | 4,405.20 |

Customer Statement

A005
09/16/2021

Middle Smithfield Township Sewer Department
147 Municipal Dr
East Stroudsburg, PA 18302
570-223-8920, Ext. 115

Account B03-1012-0

For 01/01/2017 to 09/16/2021

Name REGINALD R. TALTON

Address 130 PEBBLE BEACH COURT E. STROUDSBURG, PA 18302

| Date | Transaction # | Bill # | Usage | Transaction Amount | Running Balance |
|------------|---------------|--------|-------|--------------------|-----------------|
| 03/05/2020 | 36297 | | | 49.97 | 4,405.20 |
| 04/01/2020 | 26425 | 22758 | 0 | 175.00 | 4,580.20 |
| 07/03/2020 | 28051 | 24384 | 0 | 175.00 | 4,755.20 |
| 10/01/2020 | 66515 | 37763 | | 175.00 | 4,930.20 |
| 01/07/2021 | 74192 | 57674 | | 175.00 | 5,105.20 |
| 04/01/2021 | 81494 | 83042 | | 175.00 | 5,280.20 |
| 07/02/2021 | 90967 | 92926 | | 175.00 | 5,455.20 |
| 09/14/2021 | 96997 | | | 75.25 | 5,530.45 |

Totals

| Type | Total |
|---------|---------|
| Adjust | 75.25 |
| Bill | 3325.00 |
| Penalty | 769.47 |

Total Usage: 0

EXHIBIT “B”

PIN#: 0973 3403113976

Acct #: B03-1012-0



MIDDLE SMITHFIELD TOWNSHIP

Claimant,

v.

REGINALD TALTON

Defendant,

IN THE COURT OF COMMON PLEAS
MONROE COUNTY, PENNSYLVANIA

No. 1371 - CIVIL-20 23

AMOUNT OF CLAIM \$1,921.27

MUNICIPAL CLAIM FOR SEWER RENTALS AND CHARGES

1. The name of Claimant is Middle Smithfield Township, a township of the Second Class of the Commonwealth of Pennsylvania, located in the County of Monroe and having an address of 147 Municipal Drive, East Stroudsburg, Pennsylvania 18302.

2. The name and last known address of the owner of the property against which this claim is filed is Reginald Talton, 130 Pebble Beach Court, East Stroudsburg, PA 18302.

3. The property against which this claim is filed is described as follows:

ALL THAT CERTAIN lot or piece of ground SITUATE in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania, more fully described in a deed dated 05/19/2015, and recorded in Monroe County in Record Book 2453, Page 8732.

BEING Monroe County Tax Parcel No. 09.96873.

4. The charges for which this claim is filed and levied arise pursuant to Section 1 of the Act of July 18, 1935, P.L. 1286 (the "Sewer Rental Act"), as amended, 53 P.S. §2331, as well as the Act of May 1, 1933, P.L. 103 (the "Second Class Township Code"), as amended, 53 P.S. §67511, together with such other amendments, supplements and all other Acts relating to sewer rentals or charges and the pertinent resolutions and/or ordinances of the Township of Middle Smithfield levying such rentals or charges.

5. This claim is filed pursuant to the Municipal Claims and Tax Liens Law, 53 P.S. § 7101, *et seq.*

6. This claim is filed for the use of sanitary sewer service to the above-described property, surcharges, and/or late fees from 10/01/2021 to and including 02/17/2023.

7. The amount of this claim is summarized as follows:

| | |
|-----------------------|-----------------|
| Amount Owed: | \$ 1,050.00 |
| Interest: | \$ 611.02 |
| Late Fee/Collections: | \$ 185.00 |
| Lien Recording Fee: | <u>\$ 75.25</u> |
| Total Amount Owed: | \$ 1,921.27 |

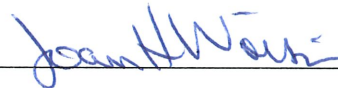
8. A true and correct copy of Middle Smithfield Township's detailed financial transaction summary, justifying the \$1,921.27 total amount owed (through 02/17/2023) is attached hereto as Exhibit "A".

9. The Prothonotary of Monroe County is requested to enter the above claim in the proper and appropriate docket and upon the judgment and locality indices.

MIDDLE SMITHFIELD TOWNSHIP

Dated: February 17, 2023

By: _____



Joan H. Woisin – Sewer Coordinator
Middle Smithfield Township

Customer Statement

A005
02/17/2023

Middle Smithfield Township Sewer Department
147 Municipal Dr
East Stroudsburg, PA 18302
570-223-8920, Ext. 115

Account B03-1012-0
Name REGINALD R. TALTON
Address 130 PEBBLE BEACH COURT E. STROUDSBURG, PA 18302

For 10/1/21 to 02/17/2023

| Date | Transaction # | Bill # | Usage | Transaction Amount | Running Balance |
|------------|---------------|--------|-------|--------------------|-----------------|
| 10/01/2021 | 100045 | 103015 | | 175.00 | 5,705.45 |
| 12/06/2021 | 114177 | 103015 | | 25.00 | 5,730.45 |
| 12/06/2021 | 116007 | 103015 | | 69.83 | 5,800.28 |
| 01/05/2022 | 118650 | 108256 | | 175.00 | 5,975.28 |
| 03/03/2022 | 126518 | 108256 | | 25.00 | 6,000.28 |
| 03/03/2022 | 127100 | 108256 | | 72.46 | 6,072.74 |
| 04/01/2022 | 130404 | 116982 | | 175.00 | 6,247.74 |
| 05/06/2022 | 135305 | | | 35.00 | 6,282.74 |
| 06/06/2022 | 144882 | 116982 | | 25.00 | 6,307.74 |
| 06/06/2022 | 146655 | 116982 | | 75.08 | 6,382.82 |
| 06/30/2022 | 151965 | 116982 | | 94.09 | 6,476.91 |
| 07/01/2022 | 155178 | 141765 | | 175.00 | 6,651.91 |
| 08/02/2022 | 163788 | 141765 | | 98.12 | 6,750.03 |
| 09/07/2022 | 169403 | 141765 | | 25.00 | 6,775.03 |
| 09/07/2022 | 171086 | 141765 | | 99.97 | 6,875.00 |
| 10/03/2022 | 172997 | 141765 | | 101.47 | 6,976.47 |
| 10/03/2022 | 176132 | 151907 | | 175.00 | 7,151.47 |
| 12/01/2022 | 184803 | | | 75.25 | 7,226.72 |
| 12/07/2022 | 186960 | 151907 | | 25.00 | 7,251.72 |
| 01/04/2023 | 190750 | 158631 | | 175.00 | 7,426.72 |
| 01/26/2023 | 193548 | | | -323.00 | 7,103.72 |
| 01/31/2023 | 193957 | | | 323.00 | 7,451.72 |
| 01/31/2023 | 193954 | | | 25.00 | 7,451.72 |
| 02/16/2023 | 196075 | | | -323.00 | 7,128.72 |

Totals

| Type | Total |
|----------|---------|
| Adjust | 135.25 |
| Bill | 1050.00 |
| Interest | 611.02 |
| Pay | -323.00 |
| Penalty | 125.00 |

Total Usage: 0